

HOUSE BILL 2770

By Tidwell

AN ACT to amend Tennessee Code Annotated, Title 11,
Chapter 4 and Title 43, relative to enact the
"Forest Product Fairness Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 43, is amended by adding the following
as a new chapter:

Section 43-40-101.

This chapter shall be known and may be cited as the "Forest Product Fairness
Act."

Section 43-40-102.

The general assembly recognizes the enormous contribution that the Tennessee
forest products industry makes to the state. The continued health of the industry is vital
to Tennessee's economic well-being. A fair and equitable process for awarding state
incentives to the forest products industry is necessary to maintain economic viability.
The purpose of this chapter is to provide for a procedure that will ensure an open
process for the awarding of incentives, that encourages the use of forest products but
does not give an unfair advantage to one segment of the forest products industry over
another, and that does not put existing businesses at a competitive disadvantage.

Section 43-40-103.

As used in this chapter, unless the context otherwise requires:

- (1) "Commissioner" means the commissioner of agriculture;
- (2) "Forest products" includes the following:
 - (A) Products that are derived from woody biomass;

(B) Forest wood waste, including residual tops and limbs of trees, unused cull trees, pre-commercial thinnings, and wood or debris from noncommercial tree species, slash or brush; and

(C) Any wood chips or fibers or other organic substances and any inorganic substances recovered from forest wood waste or produced as byproducts of processing wood; and

(3) "Incentives" means any tax exemption, tax credit, tax exclusion, tax deduction, rebate, investment, contract, or grant made available by the state to directly support the purchase of forest products. "Incentives" does not mean any such benefit available under statutorily provided programs.

Section 43-40-104.

Incentives to directly support the purchase of forest products shall be approved by the commissioner through a fair and equitable process prior to being awarded. The process shall be open to individuals and both new and existing partnerships, corporations, associations, or other legal entities.

Section 43-40-105.

The commissioner of agriculture and the commissioner of economic and community development are authorized to promulgate rules and regulations to effectuate the purposes of this chapter. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. This act shall take effect July 1, 2010, the public welfare requiring it.